IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 5 of 2001

Between:

Mancherial Lorry Transport Association Rep. by its General Secretary, S.I.Raj, S/o Muthu, MANCHERIAL, ADILABAD DISTRICT

..... PETITIONER

AND

1 The State of Andhra Pradesh. Rep by its Secretary,
Home Department, Secretariat, Hyderabad
2 The Director General of Police Govt. of Andhra Pradesh
Saifabad, Hyderabad.

3 Commissioner of Civil Supplies Bhavan,Civil Supplises, Somajiguda, Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, direction or directions to direct the Respondents, their Subordinates, Officers not to interfere with the business of the members of the Petitioner's Association of transporting coal by lorries in the guise of enforcing Collieries Control Order, 1945 or Colliery Control Order, 2000 and to issue a consequential direction to the respondents to act in accordance with law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.SRINIVAS

Counsel for the Respondents: GP FOR HOME

The Court made the following:

ORDER:

Mancherial Lorry Transport Association filed the instant writ petition seeking a writ of Mandamus directing the respondents, namely, i) the State of Andhra Pradesh, represented by its Secretary in Home Department, ii) the Director General of Police, Government of Andhra Pradesh; and iii) the Commissioner of Civil Supplies and their sub-ordinates not to interfere with the business of the members of the petitioner's Association. It is the case of the petitioner-Association that its members are transporters of coal from Singareni Collieries to different consumers, that on an allegation that these transporters are diverting the coal to other persons than those persons who intended the coal, the Police are stopping lorries, which are transporting the coal. Therefore, they seek a direction.

A reading of the affidavit does not contain specific allegations except stating that a few days prior to filing the writ petition, a crime was registered against Radhakrishna Lorry Transport, Mancherial. It is also not denied that as per the Collieries Control Order, 1945, a transporter is not entitled to transport the coal to a party other than the person to whom the coal is intended. Therefore, it is always the duty of the Police and Law Enforcement Agencies to see that the Collieries Control Order is duly implemented. In that view of the matter, a general direction as sought cannot be granted in this writ petition. It shall, however, be open to the members of the petitioner-Association to seek appropriate remedies, as and when, a specific case is made out by a member of the petitioner-Association.

The writ petition, with the above observation, is dismissed. No costs.

_____

(V.V.S.RAO, J)

15.06.2005

vs

To

1 The Secretary, State of Andhra Pradesh,
Home Secretariat, Hyderabad
2 The Director General of Police, Govt. of Andhra Pradesh
Saifabad, Hyderabad

3 The Commissioner of Civil Supplies Bhavan, Somajiguda, Hyderabad.

4 Two CCs to the G.P for Home, High Court of A.P., Hyderabad(O.U.T).

5 2 CD copies